IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO: 10504 of 2005

Between:

Dr. Sri Raghavendra Sudanagunta Prasad, MD, FAAFP, FACIP, Medical Practioner Non-Resident Garland Texas 75043, U.S.A., Rep. by G.P.A. Holder, Chimta Narayana @ Balaiah, S/o. Chimta Veeraiah,
aged about 70 Yrs, Occ:Agriculturist, R/o. Abbinenigunta Pal Guntur District.

..... PETITIONER

AND

1 The District Collector-Prakasam, Prakasam Bhavan-Ongole.
2 The Chief Executive Officer, zilla Parishad Prakasam District, Office at Ongole - Town.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ Of Mandamus declaring the action of the respondents in not implementing the orders of Regional Joint Director-Guntur, with regard to naming Zilla Parishad High School, Santhanuthalapadu, Prakasam district as "SWARGEEYA SUDANAGUNTA KOTAIAH CHOWDARY MEMORIAL Zilla Parishad High School, Santhanuthalapadu," in pursuance of G.O.Ms.No.203 dt.4-2-1998, and G.O.Ms.No.162 dt. /1/2005 as illegal arbitrary high handed and violative of the above said Government orders.

Counsel for the Petitioner: MR.UNNAM.MURALIDHAR RAO

Counsel for the Respondent No.1: G.P. FOR SCHOOL EDUCATION

Counsel for the Respondent No.2:MR.MANNEBHASKAR RAO/MR.M.PRABHAKAR RAO

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner seeking a writ of Mandamus declaring the action of the second respondent in keeping his own order dated 30-06-2004 in abeyance as illegal and arbitrary, and consequently, direct the respondents to implement the orders of the Regional Joint Director (herein after referred to as 'RJD') dated 19-06-2004 and the consequential order of the second respondent dated 30-06-2004.

2. According to the petitioner, he is a Non-Resident Indian residing in USA. In order to provide some financial assistance to the local educational institutions and also with an intention to name it in the name of the petitioner's father Sudanagunta Kotaiah Chowdary, the petitioner donated a sum of Rs.10 lakhs. Accordingly, the petitioner also made requisite application to the competent authority-the RJD, seeking appropriate orders for changing the name of the Z.P.High School at Santhanuthalapadu, Prakasham District as 'Swargeeya Sudanagunta Kotaiah Chowdary Memorial Zilla Parishad High School'. The RJD having satisfied with the claim of the petitioner and in conformity with the powers conferred on him under G.O.Ms.No.203 dated 04-07-1998, passed orders on 19-06-2004. In pursuance of the said orders, the second respondent, who is the Chief Executive Officer of the Zilla Parishad, also issued proceedings ordering change of the name giving effect to the order of the RJD. However, the second respondent changed his mind and on the very same day passed the impugned order to keep the orders passed by him, to give effect to

the orders of the RJD, in abeyance. As the orders of the RJD and the consequential order of the second respondent changing the name of the Z.P. High School was not implemented, the petitioner has come up with the present writ petition.

3. With reference to the RJD there was no opposition, but on behalf of the second respondent a counter is filed disputing the claims of the petitioner. The second respondent admitted all the factual assertions of the petitioner, however, stated that as there was some objection by the Sarpanch of the village and also the Chairman of the Vidya Committee and its members, the change of the name was kept in abeyance. In the counter, it is also stated that certain clarification was sought for from the RJD, but the counter does not show whether any clarifications were received or not.

4 . The learned counsel appearing for the second respondent, however, contended that in view of the objections made by the local persons, the orders were not implemented.

5. Heard both sides and considered the material on record.

6. Admittedly, the petitioner donated certain amount in favour of the institution, whose name was sought to be changed, to change it in the memory of the petitioner's father. Basing on the representation of the petitioner, the RJD passed an order on 19-06-2004. Pursuant to the said order, even the second respondent also issued proceedings for changing the name of the Z.P. High School to 'Swargeeya Sudanagunta Kotaiah Chowdary Memorial Zilla Parishad High School'. However, the second respondent kept the said order in abeyance without there being any justifiable grounds. Only in the counter it is alleged that there were certain objections. If any third parties have got any objection, they should have sought for modification of the order of the RJD and the RJD's order was not modified as on date though the order was passed as early as on 19-06-2004. In view of the fact that the order of the RJD stood as it is and even

pursuant to that the Chief Executive Officer of the Zilla Parishad also passed an order on 30-06-2004, there is absolutely no justification to keep the said proceedings in abeyance.

7 . Under the above circumstances, the second respondent is directed to implement the order of the Regional Joint Director as well as his own order dated 30-06-2004 changing the name of Zilla Parishad High School to 'Swargeeya Sudanagunta Kotaiah Chowdary Memorial Zilla Parishad High School', Santhanuthalapadu, Ongole, Prakasham District, within a period of four weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

14th July, 2005

SKM

Copy to:

1 The District Collector-Prakasam, Prakasam Bhavan-Ongole.
2 The Chief Executive Officer, Zilla Parishad Prakasam District, Office at Ongole - Town.

3 Two C.Cs. to G.P. for School Education, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

4 Two C.D. Copies.